

**CALIFORNIA COUNCIL FOR ENVIRONMENTAL  
AND ECONOMIC BALANCE  
100 Spear Street, Suite 805, San Francisco, CA 94105**

**VIA ELECTRONIC MAIL**

November 26, 2004

Ms. Catherine Witherspoon  
Executive Officer  
Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812  
[cwithers@arb.ca.gov](mailto:cwithers@arb.ca.gov)

**Re: Cal/EPA EJ Action Plan Implementation: CCEEB's Preliminary  
Comments regarding the ARB's Pilot Project under the Cal/EPA  
Environmental Justice Action Plan**

Dear Ms. Witherspoon:

The California Council for Environmental and Economic Balance ("CCEEB") is a coalition of business, labor and public leaders that strives to advance collaborative strategies that protect public health and the environment while allowing California's economy to grow. Following are CCEEB's preliminary comments regarding ARB's pilot project under the Cal/EPA Environmental Justice Action Plan (the "EJ Action Plan"). Because of a meeting conflict, CCEEB will not be able to participate in ARB's December 3, 2004 meeting regarding the pilot project. Please consider the following comments as CCEEB's input for that meeting.

We have organized the comments into the four following areas:

- 1) pilot project location;
- 2) ARB's suggested criteria for selection of the pilot project location;
- 3) ARB's suggested goals for the pilot project; and
- 4) ARB's suggested strategies to be explored.

**1. Pilot Project Location**

Comment 1: CCEEB is not suggesting a specific location for the pilot project. CCEEB supports the process that ARB is going through to gain input from communities regarding potential locations.

Whatever the location, we know that ARB recognizes the importance of developing a good emissions inventory for the area. The collection of other data for purposes of cumulative risk assessment will also be important. A good inventory will help ARB in its regulatory gaps analysis.

Comment 2: Whatever location is selected, CCEEB encourages ARB to work to develop a community-specific baseline inventory for the mobile source and area source emissions in the area (in addition to the inventory for stationary sources).

This effort will help ARB to better assess cumulative impacts and the level of risk reduction that will be achieved by the Children's Environmental Risk Reduction Plan.

## **2. ARB's Suggested Criteria for Selection of the Pilot Project Location**

ARB is suggesting the following criteria for the selection of the location for ARB's pilot project:

- A) community support;
- B) concentrated air pollution sources;
- C) major diesel contribution;
- D) adequate baseline data; and
- E) opportunity to learn more.

Comment 3: ARB's suggested criteria for pilot project selection are all appropriate criteria.

We note that there is a tension between the fourth and fifth criteria of which ARB is well aware. Having adequate baseline data would help from a resources perspective. Going to a new area would present a greater opportunity to learn more (and possibly a greater opportunity to identify regulatory gaps).

## **3. ARB's Suggested Goals for the Pilot Project**

At the October 19, 2004 workshop, ARB suggested the following four goals for ARB's Pilot Project:

- A) improve understanding;
- B) identify regulatory gaps;
- C) develop emission control strategies; and
- D) involve community throughout the process.

Following are CCEEB's comments regarding the suggested goals.

**A. Improve Understanding**

Comment 4: The goal of improving understanding is an important goal. Just from the steps outlined in Cal/EPA's EJ Action Plan, there are many important work areas that fall under this goal. Examples include

A) collecting environmental emissions/discharge, exposure and health risk data, and identifying data gaps; and

B) inventorying current science-based cumulative impact studies, protocols and tools, and determining where gaps exist in current methodologies.

Comment 5: The Office of Environmental Health Hazard Assessment will be concurrently working on the definition of "multi-media cumulative impacts" and technical and policy issues related to multi-media cumulative impacts. Issues will arise in many areas. For example, there will need to work to address the gaps in tools. There will be issues relating to how the State will determine if an area is subject to a disparate level of multi-media cumulative impacts. Cal/EPA and the BDOs, with input from stakeholders, need to think about ways to make lessons learned from the pilot projects translatable to policies at the State level.

Comment 6: Down the road, ARB and the other BDOs will be developing an assessment of multi-media cumulative impacts. We encourage ARB to start thinking about how the BDOs can at that time put the estimated multi-media cumulative risk levels into context. For example, how do the local multi-media cumulative impacts compare with other parts of the state or region?

**B. Identify Regulatory Gaps**

Comment 7: The goal of identifying regulatory gaps is consistent with Cal/EPA's Environmental Justice Strategy. Part of identifying regulatory gaps will be the identification of the relevant existing rules and regulations. This work will be an opportunity to share with communities and other stakeholders information regarding the extensive regulatory framework that is in place (including the numerous airborne toxic control measures).

**C. Develop Emission Control Strategies**

Comment 8: CCEEB suggests that when the time comes to develop the Children's Environmental Risk Reduction Plan ("ChERRP"), ARB should focus on risk reduction strategies (as opposed "emission control strategies") – with particular focus on the sources that drive the health risk.

We are assuming that ARB's pilot project for cumulative impacts will focus on toxic air pollutants. Instead of focusing on "emission control" strategies, we suggest that the strategy focus of the pilot project be on health "risk reduction" strategies (consistent with the ChERRP concept). Such strategies would reduce emissions, but they would do so in a way that is focused on reducing health risk posed by toxic air pollutants.

**D. Involve Community Throughout the Process**

Comment 9: Involving the community throughout the process is very important, but this involvement throughout the process should be for **all stakeholders**. We also note that the role of the stakeholders is to provide input. As to the making of decisions under the pilot projects (e.g., what will be the elements of the ChERRP), **government** (i.e., Cal/EPA and the BDOs) must make the **decisions**.

We encourage ARB to think through how various groups (such as statewide groups) may keep up-to-date with developments in the pilot project process and provide input into the pilot project process.

Cal/EPA is seeking input on how "multi-media cumulative impacts" should be defined, and we will be providing comments to Cal/EPA on that issue. CCEEB believes that the evaluation of cumulative impacts should be an evaluation of cumulative health risk. As ARB moves to evaluate air toxics risk on a cumulative basis, there will continue to be many technical and policy issues. If the pilot project work is to be translatable to broader efforts, there needs to be a process in which these issues can be discussed as the program progresses.

**4. ARB's Suggested Strategies to be Explored**

ARB is suggesting the following strategies for exploration:

- A) localized controls;
- B) pollution prevention techniques;
- C) enhanced enforcement; and
- D) incentive programs.

CCEEB offers the following comments regarding the suggested strategies.

Comment 10: Given that the development of Children’s Environmental Risk Reduction Plan (“ChERRP”) does not occur until Phase 3 of the Action Plan, it is early to be thinking about strategies. The early emphasis should be on:

- A) the collection of emissions, exposure and health risk data and the identification of data gaps; and
- B) the inventory of current science-based cumulative impact studies, protocols and tools, and the determination of where gaps exist in current methodologies.

Again, Cal/EPA has committed that this work will have a science-based foundation. It is important that the foundation be in place before new measures are developed. ARB may have just taken for granted that it will be taking these steps, but it is important to communicate to stakeholders that this work is part of the process.

Comment 11: Regarding controls, there will need to be discussions regarding the pros and cons of “localized controls.” There may be jurisdictional issues, there may (or may not) be a gap statewide, and there may be competitiveness issues. We suggest that early documents list this item as “local or statewide rules or regulations.”

We continue to note that it is important that changes in requirements be made on a programmatic basis. This allows for due process and for fair and consistent requirements.

Comment 12: The term “enhanced enforcement” is unclear to us. Certainly evaluating compliance (and taking enforcement action where appropriate) is an important part of any environmental pollution program. We suggest that item simply be listed as “enforcement.”

Comment 13: CCEEB supports ARB’s inclusion of “incentive programs” in the draft list.

Comment 14: CCEEB suggests that ARB add to this early list education (regarding personal steps that individuals can take to improve air quality).

CCEEB appreciates ARB's and Cal/EPA's consideration of these comments. We look forward to working with Cal/EPA, ARB and the various stakeholders on these important issues.

If you have any questions, or if you would like to discuss the comments, please contact me at (415) 512-7890 or Cindy Tuck at (916) 442-4249

Sincerely,

VICTOR WEISSER  
President

Via Electronic Mail

cc: The Honorable Alan Lloyd  
Ms. Tam Doduc  
Ms. Lynn Terry  
Mr. Robert Fletcher  
Ms. Linda Murchison  
Mr. Dale Shimp  
Mr. Jackson Gualco  
Mr. Robert Lucas  
Ms. Cindy Tuck